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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,760	11/21/2003	Wu Yue Wei	424518-002	1444

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EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,760

Applicant(s)

WEI, WU YUE

Examiner

David H Bollinger

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-26 and 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3653

1. The indicated allowability of the subject matter of claims 1 through 13, 16 and 26 through 28 is withdrawn in view of the newly discovered prior art to Billing. Rejections employing this newly discovered prior art follow. Any inconvenience resulting from the delay in applying the above mentioned prior art is regretted.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4 through 15, 19 through 26, 28, 29 and 31 through 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Billing.

Schmidt teaches a blade dispenser comprising: a dispenser body 104 of generally trapezoidal cross section to receive and store a plurality of similarly shaped blades (see Fig. 4D); a pivotable plate 106 located in or adjacent to the cavity of the body so that at least one blade is receivable thereon and wherein the plate is pivotable so that the at least one blade is movable at least partially outside the cavity when the plate is pivoted (see page 3); and a biasing means 108 to bias (by the weight of element 108) the blades toward the plate 106. It should also be noted that the engagement surface of the plate 106 is shaped to engage the lowermost blade along the long straight edge of the blade (see Fig. 2). Schmidt further teaches a stop surface 158 to limit pivoting movement of the plate and a gripping tab 170 to facilitate manual pivoting of the plate. The

Art Unit: 3653

dispenser body of Schmidt includes a backing surface 102 and a cover 104 removably coupled to the backing surface (see page 4 column 1 paragraph 0043).

Schmidt fails to teach providing the plate with a magnet thereon to maintain a blade in position on the plate.

Billing teaches providing the dispensing plate 13 of a blade dispenser with a magnet 24 to aid in retaining the blade on the dispensing plate for dispensing (see page 2 column 2 lines 23-30).

It would have been obvious to one of ordinary skill in the art to provide the pivotable dispensing plate of Schmidt with a magnet to retain the blade to be dispensed on the plate in view of the teachings of Billing of providing such a magnet for such purpose on the dispensing plate.

4. Claims 3 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Billing as applied to claim 1, 2, 4 through 15, 19 through 26, 28, 29 and 31 through 38 above, and further in view of Huang '682.

Schmidt in view of Billing fails to teach the biasing means for biasing the blades being a spring biasing means.

Huang '682 teaches employing a spring biasing means 14, 15 to bias a stack of blades to the dispensing position within a dispenser body (see Figs. 1 and 2).

In view of the teachings of Huang '682, it would have been obvious to one of ordinary skill in the art to employ a spring biasing means as the biasing means in Schmidt rather than a gravity biasing means. This is considered the substitution


Art Unit: 3653

of one known biasing arrangement for another. Further, the spring means provides for a consistent biasing force independent of the orientation of the device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner
Art Unit 3653
1/18/05